



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2900 FAX (603) 271-2456

June 18, 2003

G. Ruie



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RETURN RECEIPT REQUESTED

LETTER OF DEFICIENCY
No. WMD 03-13

Elektrisola, Inc.
126 High Street
Boscawen, New Hampshire 03303

Attn: Mr. George P. Downing, Vice President

Re: Elektrisola, Inc.
Boscawen, New Hampshire
EPA ID #NHD040252744

Dear Mr. Downing:

On March 6, 2003, the Department of Environmental Services, Waste Management Division (DES) conducted an inspection of Elektrisola, Inc. (Elektrisola), located on 126 High Street, in Boscawen, New Hampshire. The purpose of the inspection was to determine Elektrisola's compliance status relative to RSA Ch.147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection, the following deficiencies in your hazardous waste management program were documented:

Env-Wm 502.01 - Hazardous Waste Determination

At the time of the inspection, Elektrisola had not performed adequate site-specific waste determinations for the following facility wastes:

- A Waste "Sodium Hydroxide- NaOH" stored in a 5-gallon container in the Lab Area;
- B. Waste Concentrated "Drawing Lube" stored in a tank in Pump Room #1
- C. "Pit #1 Waste Water" located in Pump Room #1; and
- D. Waste "Carbon Filters" from the treatment of "Pink Water" generated in the "Felt/Plate Making Area."

Env-Wm 502.01 requires that all generators of waste determine if their waste is a hazardous waste. Waste determined to be hazardous must be handled pursuant to the requirements of the Hazardous Waste Rules.

DES requests that Elektrisola perform hazardous waste determinations for the wastes identified above. Laboratory analysis should include, at a minimum, testing items B, C, & D above to detect the characteristic of toxicity (TCLP metals and organics) using the method described in Env-Wm 403.06. All waste streams should be sampled at the point of generation, and results reported on an "as generated" basis. Please note that a representative sample is defined in Env-Wm 110.01(b)(107) as, "a sample of a universe or whole that can be expected to exhibit the average properties of the universe or the whole." Elektrisola will need to provide the results of the hazardous waste determinations, along with any other supporting data, such as Material Safety Data Sheets (MSDSs), to DES.

Please also be advised that waste determinations may also be demonstrated using knowledge of the hazardous waste constituents or characteristics of the waste, based on the materials or processes used to generate the waste.

At the time of the inspection, Elektrisola's waste "Sodium Hydroxide-NaOH" profile indicated a pH value of 13.0. In the subsequent March 14, 2003 submittal, Mr. Timothy J. Day, Manufacturing Manager, acknowledged that Elektrisola's profile for the waste "Sodium Hydroxide-NaOH" was incorrect and had been updated to reflect the NH02 waste code. Therefore, no further action for item 1.A. is required.

In a March 31, 2003 Elektrisola submittal, Mr. Timothy J. Day provided waste determination documentation characterizing the: 1) "Pit #1 Waste Water" as a non-hazardous waste; and 2) the waste "Carbon Filters" as a hazardous waste. The submittal also stated Elektrisola's intention to cease treating the generated "Pink Water" with the "Carbon Filters" and dispose of the "Pink Water" as a hazardous waste in the future. Based on the information stated above, DES requests that Elektrisola provide the hazardous waste codes that were affixed to the waste "Carbon Filters" upon completion of the hazardous waste determination.

With respect to the waste concentrated "Drawing Lube" (referred to as "Emulsion Concentrate" in the March 31, 2003 Elektrisola submittal); the analytical results indicated levels of lead (Pb) at 11 mg/l. After review of the analytical method, consultation with Eastern Analytical Laboratories, and consideration of the waste matrix, DES requests that Elektrisola analyze the waste concentrated "Drawing Lube" for the characteristic of Toxicity (for lead) described in Env-Wm 403.06.

2. Env-Wm 509.02(a)(2), Env-Wm 509.03(b)– Personnel Training

A review of Elektrisola's personnel training program revealed the following deficiencies:

- A. Emergency Coordinators, Timothy Day and Fred Egounis had not taken part in annual hazardous waste training reviews in the years 1999 and 2001.
- B. Hazardous Waste Handler Mark Lamprey, who is responsible for managing the facility's Hazardous Waste Storage Area, had only received training for the management of satellite accumulation containers for the year 2002.
- C. Employees responsible for the management of hazardous waste satellite containers in the Enameling Area, had not been trained in the years 1998-2001.
- D. The facility Personnel Training Plan maintained at the facility did not document the names of each employee filling each job related to hazardous waste management.

Env-Wm 509.02(a)(2), which references 40 CFR 265.16, Personnel Training, requires full quantity generators to maintain a personnel training program. This includes, but is not limited to: 1) maintaining specific documents and records related to personnel training at the facility; and 2) ensuring that personnel handling hazardous waste are trained in hazardous waste management and participate in annual reviews.

DES requested that Elektrisola conduct and document hazardous waste training and annual updates for the Emergency Coordinators and employees who handle hazardous waste. DES also requested that Elektrisola provide documentation specifying the names of employees filling each job related to hazardous waste management (in each written job description) and submit the updated training documentation to DES.

In the March 31, 2003 submittals from Mr. Timothy J. Day, documentation was provided to substantiate that employees with hazardous waste management duties had received hazardous waste training. The March 14, 2003 submittal also provided the required updates to Elektrisola's facility Training Plan. No further action is required.

3. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Elektrisola's contingency plan revealed deficiencies regarding the following:

- (a) Procedures for providing treatment, storage or disposal of hazardous waste resulting from an emergency; and
- (b) Instructions to ensure that a waste which is incompatible with the released material is not treated, stored or disposed of until cleanup procedures are completed.

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Elektrisola revise and update its contingency plan to correct any deficiencies as identified in the enclosed Contingency Plan Module.

In a March 14, 2003 submittal from Mr. Timothy J. Day, documentation was provided demonstrating that Elektrisola's contingency plan was complete. No further action is required.

4. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, the one (1) 55-gallon container of broken universal waste lamps, located in the Trash Dock Area was not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that Elektrisola ensure that containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

In a March 14, 2003 submittal from Mr. Timothy J. Day, documentation was provided substantiating that Elektrisola was currently managing their Universal Waste Lamps in accordance with the closed container requirements. No further action is required.

5. Env-Wm 1112.03(b) - Universal Waste Management

At the time of the inspection, DES confirmed that Elektrisola had intentionally broken universal waste lamps with a crushing mechanism. The crushed lamps were subsequently observed in a 55-gallon container located in the Trash Dock Area.

Env-Wm 1112.03(b) prohibits universal waste handlers from intentionally crushing or dismantling universal waste lamp(s) unless a permit has been obtained in accordance with Env-Wm 353.

DES requested that Elektrisola cease the intentional breakage of universal waste lamps, using their crushing mechanism, and dispose of all crushed bulbs stored on-site.

In a March 14, 2003 submittal, Mr. Timothy J. Day documented that "Elektrisola, Inc. has ceased the crushing and shipping of Universal Waste lamps to a lamp reclamation facility as directed on March 6, 2003." Therefore, no further action is required.

DES believes the cited deficiencies can be corrected and a report describing the corrective measures taken by Elektrisola can be submitted within thirty (30) days of receipt of this letter. Supporting documentation that describes the measures taken to achieve compliance should be included with the report.

In the event compliance is not achieved within this period, DES may take further action against Elektrisola, including issuing an order requiring that deficiencies be corrected, initiating an administrative fine proceeding, and/or referring the matter to the New Hampshire Department of Justice for imposition of civil penalties. In addition, DES personnel may reinspect your facility at a later date to determine whether the facility has come into, and is maintaining, full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

The written report as requested above should be addressed as follows:

Kenneth W. Marschner, Administrator
DES/WMD
6 Hazen Drive
Concord, New Hampshire 03301-6509

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff are available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

Should you have any questions regarding this letter, please contact the lead inspector, Eric K. Abrams or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at 271-2942. Specific questions regarding water related issues may be directed to Sharon Ducharme of DES's Water Division at 271-3307, and for air related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your cooperation.

Sincerely,



Kenneth W. Marschner, Administrator
Waste Management Programs
Waste Management Division

cc: RCRA/DB/LOD
Phillip J. O'Brien, Ph.D., P.G., Director, WMD
Gretchen Rule, Esq., Administrator, DES Legal Unit
Timothy J. Day, Manufacturing Manager, Elektrisola

E-mail: JJD/SD/SD/PM

Enclosure: Hazardous Waste Generator Inspection Report & Modules